

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jill Arabe, Assistant Planner
DATE: March 31, 2010
SUBJECT: **CONDITIONAL USE PERMIT NO. 2010-004 (HAMILTON CLEARWIRE WIRELESS FACILITY):**

LOCATION: 9271 Hamilton Avenue, 92646 (north side of Hamilton Avenue, east of Magnolia Street)

Applicant: John Moreland, Core Communications, 2903-H Saturn Street, Brea, CA 92821

Property Owner: Scott Haney, Southern California Edison, 4900 Rivergrade, Building 2B1, Irwindale, CA 91706

Request: To permit the installation of new wireless communication antennas mounted to an existing Southern California Edison (SCE) transmission tower at an overall height of 50 ft. The facility consists of six (6) panel antennas, three (3) parabolic microwave dishes, one (1) GPS antenna, and associated above ground equipment.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act

Zone: RA-O (Residential Agriculture- Oil Overlay)

General Plan: P (Public)

Existing Use: SCE Transmission Towers

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of the minor alteration of an existing structure, involving no expansion of the existing transmission tower.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2010-004 :

1. Conditional Use Permit No. 2010-004 for the installation of new wireless communications antennas mounted to an existing Southern California Edison (SCE) transmission tower at an overall height of 50 ft. will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed wireless communications antennas will be mounted to an existing 130 ft. high utility transmission tower located approximately 98 ft. from adjacent residential uses. The antennas will assist in filling a gap in coverage not already served by other similar facilities in the area. The project will not generate noise, traffic, or demand for additional parking above that which exists on the subject site. As conditioned, the wireless communications equipment will be screened by a 6 ft. high decorative block wall with the antennas painted to match the tower's structural members. The proposed height will enhance wireless communications in the community by improving signal transmission and reception in the project vicinity.
2. The conditional use permit will be compatible with surrounding uses because the wireless communications antennas will be mounted to an existing SCE transmission tower which are designed to blend into the site's surrounding environment. The project is located within Edison right-of-way, on an approximately 130 ft. high utility transmission tower. The antennas will be mounted at a height of 50 ft. and match the color of the tower's structural members. All associated ground equipment is conditioned to be screened on all sides by a 6 ft. high decorative block wall, so as to be completely screened from public view.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including the provisions of the HBZSO Section 230.96 – Wireless Communications Facilities. Wireless antennas are permitted to exceed the maximum 25 ft. height of the RA (Residential Agriculture) zoning district with the approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of P (Public) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal – LU 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

Policy LU 2.1.1: Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

B. Utility Element

Policy U 5.1: Ensure that adequate natural gas, telecommunication and electrical systems are provided.

Policy U 5.1.1: Continue to work with service providers to maintain current levels of service and facilitate improved levels of service.

The proposed facility will enhance wireless communications in the community by improving signal transmission and reception in the project vicinity. In addition, the proposed installation of antennas on an existing transmission tower and screening of equipment with a decorative block wall will minimize the project's visual impacts. The proposed facility is necessary to provide new radio frequency coverage in the vicinity.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2010-004:

1. The site plans and elevations received and dated January 22, 2010, shall be the conceptually approved design with the following modifications:
 - a. On the site plan depict the setbacks of all proposed structures to their corresponding property lines.
 - b. All associated above ground equipment shall be screened from public view on all sides by a 6 ft. high decorative block wall (either slumpstone or split face) with a northwest facing access gate to match the wall (**DRB**).
 - c. All antennas and associated wireless equipment affixed to the SCE transmission tower shall be painted to match the color of the tower's support members (**DRB**).
2. Prior to issuance of building permits, the following shall be completed:
 - a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.
 - b. Zoning entitlement conditions of approval, code requirements identified in separately transmitted memorandum shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 11 point.
3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
4. The structure(s) cannot be occupied and the final building permit(s) cannot be approved until the following has been completed:

- a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them
5. Incorporating sustainable or “green” building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green’s Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney’s fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.